

DISTRICT COURT (SECOND : WEBER COUNTY)

[1687]

PROBATE RECORD BOOKS, 1879-1959.

4.5 cu. ft. (7 vols.) and 49 microfilm reels

DESCRIPTION: This series is made up of record books in which are transcriptions of court orders, decrees, notices, etc., filed in estate cases probated in both the Weber County Probate Court (which was eliminated at statehood in 1896) and by its successor, Second District Court, while sitting in Ogden, Weber County, Utah. These records were created and maintained by the court clerk. The district court clerk was required by statute to "keep a 'probate record book,' properly indexed, in which shall be recorded all wills, bonds, letters of administration, letters testamentary, and all other papers and orders of the court required by law to be recorded" (*Revised Statutes of Utah*, 1898, Title 12, ch. 7, section 1023, page 220).

Originated by the Weber County Probate Court during the territorial period, entries in the record books begin in November 1879. The county probate court handled these cases until statehood (1896) when the court was dissolved. At that time the responsibility for probate cases was transferred to the probate division of the district court. Copies of court orders and decrees, discharges, petitions, and notices are typical. Copies of wills sometimes are included in this series. Record books are no longer produced.

Included are two order/letter books from the territorial period with standard, printed forms--one for executors (1883-1891) and the other for administrators (1893-1895) of estates of deceased individuals residing in Weber County. In these volumes, executors (named in a decedent's will) or administrators (appointed by the court when an individual died intestate) swore or affirmed that they would meet all requirements of the law in settling the deceased's estate. Letters testamentary (i.e., the authority of the court) were then granted, permitting a person to take charge and administer the estate. Transcribed documents include letters testamentary, bonds, and orders which were filed in the course of administering the estates.

According to statute, the district court has jurisdiction in all matters not excepted by the state constitution and not prohibited by law. During each calendar year the court is required to hold at least three terms at the county seat of each county within the district. The county clerk in each county serves as ex-officio clerk to the court and is responsible for maintaining the record book for actions arising in that county.

ARRANGEMENT: Entries in the probate record books are chronological by date of court session.

RESEARCH NOTE: Probate record books are a daily record of documents in a probate case filed in court. No longer produced, probate record books provide useful information both for researchers seeking socioeconomic data on households and those seeking biographical or family history data such as information about the estate, the deceased, and the heirs. As with the minutes, access to the record books is easiest when done in conjunction with the register of actions, which provides the date of each action. Occasionally the microfilmer repeats filming the final few pages filmed at the end of one reel again at the beginning of the next reel, resulting in a slight overlap to ensure that no pages were missed. Early volumes are handwritten. Book 4 and subsequent volumes are typewritten.

RELATED RECORDS: Corresponding case numbers for early case files (1-810) are available through volume 1 of the PROBATE COURT INDEX (series 21023). Later index volumes and estate registers remain in the custody of the court clerk.

A daily record of documents filed and actions taken with regard to every matter brought before each session of the Weber County Probate Court is found in PROBATE MINUTE BOOKS, 1883-1896 (series 5142).

A collection of all documents and actions pertaining to the probate of wills following death which have been filed with the court clerk make up the PROBATE CASE FILES, 1851-[ongoing] (series 6874).

ACCESS RESTRICTIONS: These records are public with the exception of adoption records, which are sealed for 100 years according to Utah Code Annotated 87-19-4 (1953), and commitment proceedings, which are classified by the Administrative Office of the Court as private (Code of Judicial Administration, Rule 4-202, section 3 [G] [iii]). Since restricted information is recorded together with public information, the series must be searched for patrons by staff members. Contact a reference archivist for more information.

CUSTODY HISTORY: The probate record books, created by the Weber County Probate Court, were transferred at statehood (January 1896) to the probate division of the newly created district court, which assumed jurisdiction for probate cases. The Weber County Clerk

was constitutionally designated as ex-officio clerk of Second District Court in and for Weber County. The clerk transferred the records to the Utah State Archives.

PROCESSING NOTE: Microfilm copies of the record books were produced in 1983 by the Utah State Archives. The series was archivally processed by W. Glen Fairclough, Jr., in June 2001.

PREFERRED CITATION: Cite the Utah State Archives and Records Service, the creating agency name, the series title, and the series number.

CONTAINER LIST

Reel	Box	Description
1	1	1879, November 24-1889 October 29 [Record Book C, index]
Pending	2	1883, June 22-1891, May 15 ["Executor's orders, testimony, bond, and letter book, No. 1", self-indexed]
1	3	1889, October 30-1894, December 31 [Record Book D]
Pending	4	1893, July 18-1895, December 18 ["Administrator's order book and letter record book, No. 2", self-indexed]
2	5	1894, December 31-1897, October 5 [Record Book E, index]
3	6	1896, April 25-1898, March 10 [Book 1]
4	7	1898, March 12-1899, January 30 [Book 2, index]

Reel	Description
4	1899, January 30-1900, January 22 [Book 3, index]
4	1900, January 26-1900, October 24 [Books 4(cont.)]
5	1900, October 24-1902, September 13 [Books 4(cont.)-5]
6	1902, September 15-1905, February 27 [Record Books 6-7]
7	1905, February 27-1907, May 21 [Record Books 8-9]
8	1907, May 21-1909, March 20 [Record Books 10-11(cont.)]
9	1909, March 24-1910, September 6 [Record Books 11(cont.)-13(cont.)]
10	1910, September 6-1912, March 11 [Record Books 13(cont.)-15 (cont.)]
11	1912, March 11-1914, January 27 [Record Books 15 (cont.)-17 (cont.)]

Reel	Description
12	1914, January 27-1915, September 15 [Record Books 17 (cont.)-19 (cont.)]
13	1915, September 15-1917, April 2 [Record Books 19 (cont.)-21 (cont.)]
14	1917, April 2, 1917-1918, May 17 [Record Books 21 (cont.)-22]
15	1918, May 20-1919, October 8 [Record Books 23-24]
16	1919, October 8-1920, October 14 [Record Books 25-26]
17	1920, October 14-1921, November 26 [Record Books 27-28]
18	1921, November 28-1923, January 9 [Record Books 29-30]
19	1923, January 9-1923, December 11 [Record Books 31-32]
20	1923, December 12-1925, June 2 [Record Books 33-34]
21	1925, June 3-1926, December 20 [Record Books 35-36]
22	1926, December 20-1928, April 30 [Record Books 37-38]
23	1928, April 30-1929, September 6 [Record Books 39-40]
24	1929, September 6-1930, December 31 [Record Books 41-42]
25	1931, January 2-1932, May 9 [Record Books 43-44]
26	1932, May 10-1934, January 8 [Record Books 45-46]
27	1934, January 8-1935, May 13 [Record Books 47-48]
28	1935, May 13-1936, August 13 [Record Books 49-50]
29	1936, August 14-1937, December 20 [Record Books 51-52]
30	1937, December 20-1939, July 13 [Record Books 53-54]
31	1939, July 13-1940, December 19 [Record Books 55-56]
32	1940, December 20-1942, April 20 [Record Books 57-58]
33	1942, April 21-1943, August 7 [Record Books 59-60]
34	1943, August 7-1944, October 16 [Record Books 61-62]
35	1944, October 16-1945, November 26 [Record Books 63-64]
36	1945, November 30-1946, September 3 [Record

Reel	Description
	Books 65-66 (cont.)]
37	1946, September 3-1947, July 23 [Record Books 66 (cont.)-68 (cont.)]
38	1947, July 23-1948, June 7 [Record Books 68 (cont.)-70 (cont.)]
39	1948, June 7-1949, August 8 [Record Books 70 (cont.)-72 (cont.)]
40	1950, August 8-1950, September 18 [Record Books 72 (cont.)-74 (cont.)]
41	1950, September 18-1951, October 29 [Record Books 74 (cont.)-76 (cont.)]
42	1951, October 29-1952, November 13 [Record Books 76 (cont.)-78 (cont.)]
43	1952, November 13-1953, December 21 [Record Books 78 (cont.)-80 (cont.)]
44	1953, December 21-1954, December 4 [Record Books 80 (cont.)-81]
45	1954, December 6-1955, June 13 [Record Book 82]
46	1955, August 13-1956, June 25 [Record Books 83-84]
47	1956, June 25-1957, July 8 [Record Books 85-86]
48	1957, July 8-1958, July 30 [Record Books 87-88]
49	1958, July 30-1959, May 6 [Record Books 89-90]